

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	Case No. 4:07cr185
	§	Case No. 4:08cr117
	§	(Judge Crone)
VU VAN DOAN	§	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 17, 2014, to determine whether Defendant violated his supervised release.

On February 12, 2009, Defendant was sentenced by the Honorable Marcia A. Crone in both cases. In Case No. 4:08cr117, Defendant was sentenced to forty-seven (47) months' custody followed by four (4) years of supervised release for the offense of Distribution of Methamphetamine. In Case No. 4:07cr185, Defendant was also sentenced to forty-seven (47) months' custody followed by four (4) years of supervised release for the offense of Conspiracy to Distribute Methamphetamine, Cocaine, and 3,4-Methylenedioxy-methamphetamine. The sentences were to run concurrently. On May 29, 2012, Defendant completed his period of imprisonment and began service of his supervised term.

On February 10, 2014, the U.S. Probation Officer executed two identical Petitions for Warrant for Offender Under Supervision for each case. The petitions asserted that Defendant violated various mandatory, standard, and special conditions.

The petitions allege that Defendant committed the following acts with regard to the

violations: (1) Defendant submitted delinquent monthly supervision reports for the months of July, August, October, November, and December 2013. Defendant failed to submit a monthly report for the month of September 2013, and, as of the date of the petitions, failed to submit a monthly report for the month of January 2014; (2) Defendant was arrested on August 8, 2013, after leaving a residence where illegal drugs were being sold or distributed. The arresting officers also discovered bundles of U.S. currency in varying denominations in white envelopes with numbers on the outside of the envelopes, which they believed was consistent with illegal drug trafficking.; (3) Defendant failed to notify the U.S. Probation Officer of his arrest on August 8, 2013, within 72 hours. He did not inform this officer of said arrest until August 24, 2013, during a home visit; (4) and Defendant failed to report to the U.S. Probation Office in Plano, Texas, for drug testing on December 4, 2013, and December 30, 2013.

Prior to the Government putting on its case, Defendant entered a plea of true to violation four, five, six, and seven. Violation allegations one, two, and three were dismissed by the Government.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release on both cases. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months with no supervised release to follow for each case and that the sentences be served consecutively. It is also recommended that Defendant be housed in the Bureau of Prisons, Big Springs Unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 18th day of March, 2014.

A handwritten signature in black ink, reading "Amos Mazzant". The signature is written in a cursive style with a horizontal line underneath it.

AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE